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Serial No. 09/376,651
Docket No. JA9-98-073
Form No. 0036.0066

REMARKS

The Examiner rejected claim 38 as indefinite (35 U.S.C. §112, par. 2) because the term "member portion" lacked antecedent basis. Applicants amended claim 38 to change "member portion" and "feed assistance roller" to "member" and clarify that the member is mounted to the shaft and this member portion is non-rotatable and aligns the medium in the path. Applicants submit that this amendment to claim 38 overcomes the indefiniteness rejection.

The Examiner rejected claims 19 and 38 as anticipated (35 U.S.C. §102) by Patrick (U.S. Patent No. 5,564,847). Applicants traverse.

Applicants amended claims 19 and 38 to clarify that the medium is transported along the second axis to clarify that the member and at least one align roller are offset with respect to the second axis.

The Examiner found that element 114 of Patrick discloses the claimed align roller and element 191 discloses the claimed member. (Nov. 20, 2003 Office Action) Both FIGs. 2 and 3 show that the element 191 is aligned with the roller 114 along the axis on which the medium is transported. From the perspective of these figures, the element 191 is aligned and directly above the roller 114. The amended claims 19 and 38 require that the member and at least one align roller are offset with respect to the second axis on which the medium is transported. FIGs. 2 and 3 of Patrick show the opposite because the cited element 191 is aligned with roller 114 along the axis or path on which the paper is transported.

Moreover, the cited cols. 5-6 of Patrick mentions that the element 191 biases its distal portion or tip downward against the periphery of the drive roller 144 to press the paper against the roller. (Patrick, col. 5, line 65 to col. 6, line 5) This further teaches away from the claim requirement that the member and at least one align roller are offset with respect to the second axis on which the medium is transported.

CONCLUSION

Applicants submit that, for the above discussed reasons and those discussed in the March 22nd Response, the pending claims 2-38 are patentable over the art of record. Applicants submit

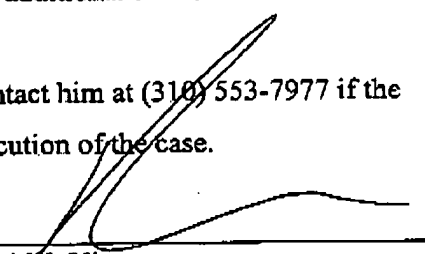
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that no additional fee is needed. Nonetheless, should any additional fees be determined to be required, please charge Deposit Account No. 09-0466.

The attorney of record invites the Examiner to contact him at (310) 553-7977 if the Examiner believes such contact would advance the prosecution of the case.

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